ACT No. VII OF 1870.[1]

[*11th March, 1870.*]

THE COURT-FEES ACT, 1870,

[As modified up to the 1st February, 1909.]

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called the Court-fees Act, 1870.

Extent of Act.

It extends to the whole of British India;

Commencement of Act.

And it shall come into force on the first day of April, 1870.

2. In

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[1] For the Statement of Objects and Reasons, *see* Gazette of India, 1869, Pt. V, p. 57 and for Proceedings in Council, *see ibid*, 1869, Supplement, pp. 1179 and 1452; *ibid*, 1870, Supplement, pp. 52, 378, 421, 427 and 434.

For rules under the Act by the High Court, Madras, Appellate side, *see* Fort St. George Gazette, Supplement, dated 20th December 1904, p. 1, and for Civil Rules of practice by the same Court, under this Act, the Civil Procedure Code and certain other Acts, for observance by the Subordinate Civil Courts in that Province, except the Small Cause Court at Madras, *see ibid*, 1905, Supplement, p. 1.

Act 7 of 1870 has been declared in force—

in Upper Burma generally (except the Shan States) by the Burma Laws Act, 1898 (13 of 1898), s. 4 (1), Bur. Code.

in British Baluchistan, by the British Baluchistan Laws Regulation (1 of 1890), s. 3, Bal. Code;

in the Santhal Parganas, by the Santhal Parganas Settlement Regulation (3 of 1872), as amended by the Santhal Parganas Justice and Laws Regulation, 1899 (3 of 1899), Ben. Code, Vol. I;

in the sub-division of Angul, by the Angul District Regulation, 1894 (1 of 1894), s. 3, Ben. Code, Vol. I.

It has also been declared, by notification under s. 3 (*a*) of the Scheduled Districts Act, 1874 (14 of 1874) to be in force in the following Scheduled Districts, namely:—

the District of Hazaribagh, *see* Gazette of India, 1881, Pt. I, p. 507;

the District of Lohardugga (now the Ranchi District, *see* Calcutta Gazette, 1899, Pt. I, p. 44; the District of Lohardugga then included the present District of Palamau, separated in 1894), *see* Gazette of India, 1881, Pt. I, p. 508;

the District of Manbhoom, *see* Gazette of India, 1881, Pt. I, p. 509;

the Pargana Dhalbhoom in the District of Singbhoom, *see* Gazette of India, 1881, Pt. I, p. 510;

the Scheduled Districts in Ganjam and Vizagapatam, *see* Gazette of India, 1898, Pt. I, p. 869;

the Tarai of the Province of Agra, *see* Gazette of India, 1876, Pt. I, p. 505.

"Chief Controlling Revenue-authority" defined.

[1]2. In this Act, unless there is anything repugnant in the subject or context, "Chief Controlling Revenue-authority" means—

(*a*) in the Presidency of Fort St. George and the territories respectively under the administration of the Lieutenant-Governors of Bengal and the [2] North-Western Provinces and the Chief Commissioner of [3] Oudh—the Board of Revenue;

(*b*) in

It has been extended by notification under s. 5 of the same Act to the Kolhan in the district of Singbhoom, *see* Gazette of India, 1907, Pt. I, p. 655, and under ss. 5 & 5A of that Act to the following Scheduled Districts, namely :—

The Garo Hills District, the Khasi and Jaintia Hills District, the Naga Hills District, the North Cachar Sub-division of the Cachar District, the Mikir Hill Tract in the Nowgong District and the Dibrugarh Frontier Tract in the Lakhimpur District, provided that the Act does not apply to natives of these districts and tracts who are assessed to house-tax except in such places and cases as the Deputy Commissioner may withdraw from the operation of the exemption, *see* Assam Gazette, 1897, Pt. I, p. 861; Gazette of India, 1884, Pt. I, p. 164; the Lushai Hills, with the same proviso, *see* Gazette of India, 1904, Pt. I, p. 913, and Assam Gazette, 1904, Pt. II, p. 787.

It has also been applied to the Baluchistan Agency territories by the Baluchistan Agency Laws Law, 1890, s. 4 (1), Bal. Code.

The Act came into permanent operation in Aden on 1st April, 1876, *see* Bombay Government Gazette, 1876, Pt. I, p. 956.

It has been declared inapplicable to proceedings before officers making a settlement, and in certain other cases under the Santhal Parganas Settlement Regulation (3 of 1872), s. 8, as amended by the Santhal Parganas Justice and Laws Regulation, 1899 (3 of 1899), Ben. Code, Vol. I.

The Act has been amended in Upper Burma by the Upper Burma Civil Courts Regulation, 1896 (1 of 1896), s. 36 as amended by the Upper Burma Civil Courts (Amendment) Regulation, 1903 (5 of 1903), Bur. Code; in the Punjab, by the Punjab Courts Act, 1884 (18 of 1884), s. 71, Punjab and N. W. Code; and in Lower Burma by the Lower Burma Courts Act, 1900 (6 of 1900), s. 47.

The amount of fees payable in certain cases in the Province of Agra under s. 170 of the Agra Tenancy Act is to be computed as in the 4th Schedule to the Act, *see* U. P. Act 2 of 1901 (U. P. Code, Vol. II).

This Act does not apply to applications under s. 105 (*1*) and (*2*) of the Bengal Tenancy Act, 1885 (8 of 1885), *see* sub-s. 3 of s. 105 of that Act, Ben. Code, Vol. II.

[1] The present s. 2 was added by s. 2 of the Court-fees (Amendment) Act, 1901 (10 of 1901), Genl. Acts, Vol. V. The original section relating to repeal of enactments was repealed by the Repealing Act, 1870 (14 of 1870).

[2] These provinces are now known as the United Provinces of Agra and Oudh, and the Lieutenant-Governor and Chief Commissioner as the Lieutenant-Governor of those provinces, *see* Proclamation No. 996 P., dated the 22nd March, 1902, Gazette of India, 1902, Pt. I, p. 228, and the United Provinces Designation Act, 1902 (7 of 1902), Genl. Acts, Vol. V.